

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF WASHINGTON

STATE OF OREGON,

Plaintiff,

vs.

LISA ANN AKERS,

Defendant,

DOB: 01/25/1981SID: 23784665Case No. 20CR34340DA No. 391837

**SUPPLEMENTAL ORDER FINDING
THE DEFENDANT UNFIT TO
PROCEED AND DETERMINING END
OF JURISDICTION FOR CONTINUED
COMMITMENT TO THE OREGON
STATE HOSPITAL (ORS 161.370)**

This matter came before the Court on April 21, 2023; April 25, 2023; and May 17, 2023 for a determination of Defendant's fitness to proceed pursuant to ORS 161.370, determination of the Oregon State Hospital's (OSH) efforts to restore the defendant's competency, and determination of the end of jurisdiction for the commitment of the defendant to OSH pursuant to federal order.

Defendant appeared via simultaneous television transmission from OSH, with counsel, Patrick John Sweeney, OSB # 961200, and Mary Sofia, OSB # 111401, and the State appeared through John Gerhard, OSB # 076025, and Jason Ring, OSB # 973811.

Based upon the above hearings, the testimony of Dr. Rubina Gundroo, MD, and the pleadings of the parties, **THE COURT FINDS:**

1. Defendant was ordered committed to OSH for competency restoration pursuant to ORS 161.370 on May 3, 2022. However, OSH did not admit Defendant until June 10, 2022. Defendant remains unfit to proceed.
2. OSH was required to provide Defendant "treatment designed for the purpose of enabling the defendant to gain or regain fitness to proceed" pursuant to ORS 161.371(2)(a).
3. Defendant's commitment for restoration to OSH is limited to one (1) year pursuant to a federal order issued by Senior District Judge Michael Mosman on September 1, 2022 (Mosman Order).
4. OSH has not met its statutory responsibility to engage in restoration efforts prior to the Court's issuance of a *Sell* Order on April 27, 2023 pursuant to ORS 161.372.
5. The one (1) year period under the Mosman Order did not start until April 27, 2023. Therefore, the Court sets the end of OSH's jurisdiction for the defendant, pursuant to the Mosman Order, as **April 26, 2024**.

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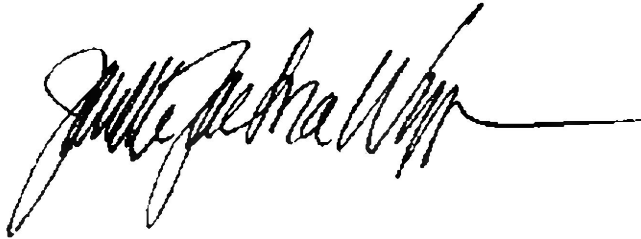
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It is therefore **ORDERED**:

1. OSH shall continue to engage Defendant in competency restoration treatment pursuant to ORS 161.371 and the Court's *Sell* Order issued on April 27, 2023;
2. Defendant shall remain committed to OSH for competency restoration until the earlier of Defendant being found fit to proceed by the Court or April 26, 2024;
3. Defendant shall remain at OSH until the earlier of April 26, 2024 or an order from the Court;
4. Neither OSH nor the Washington County Sheriff's Office shall transport Defendant from OSH absent an order from the Court or a medical emergency that cannot be treated at OSH; and
5. The Washington County Sheriff's Office shall not transport the defendant from the OSH until further order of the Court.

Further proceedings are set for hearing in Courtroom _____ on _____ at _____.

5/30/2023 9:06:53 AM



DATED: _____

 Circuit Court Judge, Janelle Factora-Wipperfurth
 Circuit Court Judge

Defense Attorney

Name: Patrick John Sweeney
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RE: *State v. LISA ANN AKERS* 20CR34340 (DA # 391837)

DOCUMENT(S):

*SUPPLEMENTAL ORDER FINDING THE DEFENDANT UNFIT TO PROCEED AND DETERMINING
END OF JURISDICTION FOR CONTINUED COMMITMENT TO THE OREGON STATE HOSPITAL
(ORS 161.370)*

CERTIFICATE OF SERVICE – TRUE COPY

I hereby certify that I served a true copy of the above-named document(s) on Patrick John Sweeney by the following method:

☐ ~~***OJD eFiling System:*** to said attorney's email address as recorded on the date of service in the eFiling system.~~

☒ ***Electronic Transmission:*** to said attorney's email address: sweeney@503law.com

☐ ***Interoffice:*** into said attorney's mail pickup at the District Attorney's office at Hillsboro Oregon.

☐ ***Mail:*** to said attorney's business address: Patrick John Sweeney, P.C., 1549 SE Ladd Ave,
Portland, OR 97214

☐ ***Personal Service:*** to said attorney by personally handing him/her a true copy thereof

☐ ***Facsimile Transmission:*** to said attorney's fax number: (503) 244-2084

Dated: May 26, 2023



*John Gerhard
Senior Deputy District Attorney
Attorney(s) for Plaintiff*